

**FLATHEAD COUNTY BOARD OF ADJUSTMENT
MINUTES OF THE MEETING
JANUARY 8, 2013**

**CALL TO
ORDER**

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Board members present were Gina Klempel, Scott Hollinger and Mark Hash. Cal Dyck had an excused absence. Erik Mack and BJ Grieve represented the Flathead County Planning & Zoning Office.

There were 6 people in the audience.

**APPROVAL OF
MINUTES**

Klempel motioned and Hash seconded to approve the October 2, 2012 minutes. The motion passed unanimously.

**ELECTION OF
NEW OFFICERS**

The board deferred the election of officers until such time as a full board was present.

**PUBLIC
COMMENT
(not related to
agenda items)**

None.

**GARDNER
INVESTMENTS,
LLC
(FCU 12-10)**

A request by APEC Engineering on behalf of Gardner Investments, LLC, for a Conditional Use Permit to expand the existing mini-storage, a non-conforming use, on the subject property to include constructing 287 additional storage units, open storage for RV's and boats and a caretaker's facility confined to the AG-80 zone. Located at 148 Lower Valley Road within the Lower Side Zoning District the northern 1.16 acres of Tract 14AB adjacent to Demersville Road and Lower Valley Road is zoned AG-80, (Agricultural) and the remaining 6.36 acres is zoned SAG-5 (Suburban Agricultural).

STAFF REPORT

Mack reviewed Staff Report FCU 12-10 for the Board.

**BOARD
QUESTIONS**

Klempel asked Mack for clarification on the site plan.

**APPLICANT
PRESENTATION**

Bob Stauffer, APEC Engineering, said the plan was conceptual and explained why the applicant requested a phased implementation of the buildings and the potential timeline for the caretaker's facility. The applicant was fine with the conditions.

**BOARD
QUESTIONS**

Hollinger and Stauffer discussed the applicant's desire and reasons for flexibility in the size and number of units.

**PUBLIC
COMMENT**

Lynne Boyle, 197 Demersville Rd, brought up concerns and was against the application.

**APPLICANT
REBUTTAL**

Stauffer said the fence around the project would be 6' vinyl coated chain link fence with shrubs in front of the fence on the residential side. The proposed hours were from 7 am to 10 pm with key coded gate access and if a caretaker residence was built, the caretaker would be a full time resident.

The board, Stauffer and Mack discussed the vagueness of when the caretaker's facility would be built, what type of building it would be, if pavement existed already, traffic generation, if there would be dust issues and how that could be remedied.

Hash suggested Todd Gardner could talk about what he could do about dust issues.

Gardner clarified with Boyle what dust issues she was concerned with, possible solutions for the problem which included using crushed asphalt and where the new entrances would be.

Hollinger reminded Gardner to address the board.

Gardner went on to explain further the location of the entrances.

The board had no further questions.

**STAFF
REBUTTAL**

None.

**BOARD
DISCUSSION**

The board, staff, Gardner and Stauffer discussed at length dust abatement and how issues could be conditioned and verified, the criteria and options for dust control, how phasing of the project would proceed, the current hours of operation which were none, storm water issues, when the decision for the building of a caretaker's facility or office would happen, the proximity of a potential house purchase for a caretakers facility, vegetation, and the incorporation of seeding in condition #8 and the material on the outside of the buildings.

The board discussed among themselves potential wording for conditions.

The board and Grieve discussed at length ways to monitor the phasing of the application to see if the applicants were in compliance with the conditional use permit.

The board and Gardner discussed the applicant's expected build out time.

Grieve and the board continued their discussion concerning ways to monitor the phasing of the application.

**MAIN MOTION
TO ADOPT
F.O.F.
(FCU 12-10)**

Hash made a motion seconded by Hollinger to adopt staff report FCU 12-10 as findings-of-fact.

**BOARD
DISCUSSION**

None.

**ROLL CALL
VOTE TO
ADOPT F.O.F.
(FCU 12-10)**

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

The board and staff discussed wording for conditions.

**SECONDARY
MOTION TO
Amend Condition
#8, Condition
#15, Condition
#14 and add
Condition #16
and Condition
#17
(FCU 12-10)**

Hash made a motion seconded by Klempel to approve the requested Conditional Use Permit with the following changes: add language to Conditions #8, and Condition #15, amend Condition #14, and add Condition #16 and Condition #17. Per Section 2.06.060(2)(A) FCZR, Condition #14 was amended to reflect a phasing plan proposed by the applicant, extending the Conditional Use Permit to six years.

Condition #8 - Vegetation must be planted and alive at the time of the 12 month inspection, pursuant to Section 4.13.030 FCZR *and the storm water area will be immediately seeded upon construction.*

Condition #14 - ~~The operation of the expanded mini-storage and caretaker's facility shall commence within one year from the date of issuance of the conditional use permit. The permit may be extended for one additional year if the permittee requests additional time prior to expiration date. The permit shall be for 6 years and as a condition of the extension to six years, the six foot~~

chain link type vinyl coated fence and landscaping around the perimeter shall be constructed by the end of the first year.

Condition #15 – At the end of twelve (12) months from the date of authorization of this permit staff will inspect to verify compliance [FZCR Section 2.06.060], *additionally, staff will verify compliance with an inspection done every two (2) years, over six (6) years.*

Condition #16 – Materials for construction of a building are to be built with a non-reflective and non-glaring material.

Condition #17 – For travel areas within the property there must be a dust abatement program that includes, crushed asphalt in significant amounts to reduce dust, and dust abatement plan in place to significantly abate dust during construction.

**ROLL CALL
VOTE TO
Amend Condition
#8, Condition
#15, Condition
#14 and add
Condition #16
and Condition
#17
(FCU 12-10)**

On a roll call vote the motion passed unanimously.

OLD BUSINESS

The board and Grieve discussed if the application FZV-12-03 Fred McKnight was postponed or permanently pulled. The application had been permanently pulled.

NEW BUSINESS

Hash and staff discussed at length alternative possibilities for how the information was sent to the board for meetings.

The board and Donna Valade, board secretary, discussed when the next meeting was scheduled. They also discussed when the replacement for Gary Krueger's position would be appointed.

ADJOURNMENT

The meeting was adjourned at approximately 7:00 pm. on a motion by Klempel. The next meeting will be held at 6:00 p.m. on March 5, 2013.

Scott Hollinger, Chairman

Donna Valade, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: ____ / ____ / 13